



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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APRIL 25, 2016

Regular meeting of the City Council held on Monday, APRIL 25, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Doucette. Councilor Doucette arrived at 8:09 PM. Meeting adjourned at 10:28 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 4, 2016, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from NGrid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Dr. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Dr. Order No. 16-1006500, all were heard who wish to be heard, hearing recessed at 8:04 PM.

Councilors Present: Clancy, Delano, Elder, Tunnera, Irish, Landers, Juaire, Oram, Ossing, & Robey.

Absent: Doucette.

ORDERED: That the CONTINUED PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482A, X02-9505, 99-7884B, all were heard who wish to be heard, hearing recessed at 8:40 PM.

Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram, Ossing, & Robey.

President Clancy reminded all present this was a continuation of a Public Hearing from the last City Council meeting held on April 4, 2016. Due to the weather that evening, there were concerns members of the public were unable to attend to ask questions or speak in favor or opposition to the application. President Clancy requested if an individual had previously spoken for them to wait until others were allowed the opportunity to speak before taking a second turn.

ORDERED: That the PUBLIC HEARING On the Application for LED Sign Permit, Discount Gas, 50 Main St, Order No. 16-1006517, all were heard who wish to be heard, hearing recessed at 8:48 PM.

Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram, Ossing, & Robey.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, Order No. 16-1006516, all were heard who wish to be heard, hearing recessed at 9:34 PM.

Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juaire, Oram, Ossing, & Robey.

The City Clerk indicated that the following letters of support are now part of this record:

Letters of Support from: Massachusetts Interscholastic Athletic Association, Inc., Residence Inn, Holiday Inn, Best Western Royal Plaza, Hilton Garden Inn, Hampton Inn, Olive Garden Restaurant & Holiday Inn Express.

ORDERED: At President Clancy's request, to recess at 9:34 PM and returned to open meeting at 9:36 PM; adopted.

MOTION made by Councilor Elder as follows:

I motion to re-open the April 4, 2016 public hearing held on the application from Marlborough Savings Bank for an LED sign special permit, for the limited purpose of reading the letters from Councilors Oram and Doucette (Agenda Items 6 and 7) and admitting into evidence their forthcoming written certifications, to be submitted under MGL c. 39, § 23D, that they will be viewing in the very near future the video recording of the April 4 public hearing so that they may vote in this matter. After discussion – Councilor Elder **WITHDREW** his motion.

ORDERED: That the Certification from Councilor-at-Large Mark Oram as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A, **FILE**; adopted.

ORDERED: That the Certification from Councilor David Doucette as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A, **FILE**; adopted.

ORDERED: That the Communication from the Mayor re: Downtown Economic Development transfer requests in the amount \$650,000.00 each which moves funds from Undesignated to Capital Outlay-Downtown and Stabilization-Downtown for downtown economic development, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
	DEPT:	Mayor					FISCAL YEAR:	2016			
		FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	Balance	
Balance									Balance		
\$4,896,252.00	\$650,000.00	10000	35900	Undesignated Fund	\$650,000.00	83600	32700	Stabilization-Downtown	\$0.00		
	Reason:							Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development.			
	Reason:										
	Reason:										
	Reason:										
	\$650,000.00	Total			\$650,000.00	Total					

ORDERED: That the Communication from the Mayor re: Miscellaneous Salary Item transfer requests in the amount of \$20,714.00 which moves funds from City Collector to various salary line items as indicated on the attached spreadsheet to balance salary accounts for the remainder of this fiscal year, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$30,104.45	\$20,714.00	11440001	50042	City Collector	\$2,079.00	11110003	50070	City Councilors	\$33,072.20	
Reason:		Position vacant for a period of time.				To fund various salary accounts thru year-end				
					\$4,100.00	11920001	50690	Foreman-Public Fac	\$9,021.86	
					\$1,035.00	12100003	50540	Chief Dispatcher	\$9,239.78	
					\$980.00	12200001	50130	Fire Chief	\$26,482.85	
					\$1,805.00	12410001	50090	Bldg Commissioner	\$15,607.37	
					\$3,450.00	12410001	50260	Local Inspector	\$18,406.13	
					\$340.00	12410001	50370	Plumbing Inspector	\$12,432.76	
					\$500.00	12410001	50380	Electrical Inspector	\$6,073.09	
					\$1,500.00	15120001	50390	Nurse	\$10,139.07	
					\$1,425.00	15120001	50605	Dir of Public Health	\$14,219.14	
					\$1,500.00	15120001	50611	Asst Sanitarian	\$17,353.44	
					\$2,000.00	12100003	51120	Crossing Guards	\$3,841.07	
	\$20,714.00	Total			\$20,714.00	Total				

ORDERED: That the Communication from the Mayor re: Recreation Department transfer request in the amount of \$10,480.00 which moves funds from Events Coordinator to Director and Sick Leave Buy Back accounts due to a retirement in the Recreation Department, refer to **FINANCE COMMITTEE**; adopted.

Councilor Oram recused.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Recreation					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$18,594.00	\$10,480.00	14920003	50999	Events Coordinator	\$5,480.00	14920001	50110	Director	\$2,911.73	
	Reason:	Position filled late in the year					Retirement. Vacation payout			
					\$5,000.00	14920003	51920	Sick Leave Buy Back	\$9.68	
							Retirement. Sick leave payout.			
	Reason:									
	Reason:									
	Reason:									
	Reason:									
	\$10,480.00	Total			\$10,480.00	Total				

ORDERED: That the Communication from the Mayor re: Rescinding Various Bonds totaling more than \$13,000,000.00 as they are no longer available to be bonded for the associated projects and will further strengthen the City’s position financially, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Legislative Earmark Grant in the amount of \$250,000.00 awarded to DPW in which the funds will be used for various park projects, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: The City’s Apportionment of FY17, Chapter 90 Funds in the amount of \$1,119,210.00 in which the funds will be used for road infrastructure projects, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: At President Clancy's request, to recess at 9:59 PM and returned to open meeting at 10:03 PM; adopted.

ORDERED: That the Application for LED Sign, GE Healthcare, 200 Forest St. to mount a white LED illuminated channel letter wall sign on their building, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, EcoATM, Inc., 601 Donald Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Board of Assessor's, March 2 & 30, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, March 1, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 21, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, March 8 & April 5 & 7, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, March 8, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority (MCDA), October 29, 2015 & February 4, 2016, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. M. Ernest Glickman, 136 Taylor Rd., residential mailbox claim 2(a).
- b. Mark Fung-A-Fat, 204 Raymond Rd., residential mailbox claim 2(a).
- c. Maureen McCook, 44 Elm St., Shrewsbury, pothole or other road defect.

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: April 19, 2016

Time: 7:45 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 7:45 PM

Adjourned: 8:00 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; and Councilors Delano and Landers

Also Present: Eileen Bristol; Mayor Arthur Vigeant

Order No. 16-1006511: The Appointment of Eileen Bristol to the position of Collector upon confirmation by the City Council. Recommendation of the Personnel Committee is to approve the appointment of Eileen Bristol as Collector. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment of Eileen Bristol to the position of Collector. The motion carried 3-0.**

Reports of Committees cont'd:

Motion made by Councilor Elder, seconded by the Chair, to request suspension of the rules at the next City Council meeting to approve this appointment. The motion carried 3-0.

Motion made by Councilor Elder, seconded Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 8:00 PM.

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: April 19, 2016

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:33 PM

Adjourned: 7:37 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaire, Tunnera and Landers; and Councilors Doucette and Robey

Also Present: Arthur Bergeron (Attorney, Mirick O'Connell); Stephen Reid (Construction and Development Consultant); Cynthia Panagore Griffin (Assistant City Solicitor, City of Marlborough); Priscilla Ryder (Conservation Officer, City of Marlborough)

Order No. 16-1006476: Communication from Attorney Falk on behalf of Bolton Granger Realty Trust, regarding Proposed Order of Relocation of Court Street Extension. The Urban Affairs Committee met with Attorney Arthur Bergeron, representing Bolton Granger Realty Trust, and Assistant City Solicitor Panagore Griffin for a discussion of the relocation of Court Street Extension for resolution of the Marlborough Village District Zoning frontage requirement by eliminating the front yard setback problem for the property at 21-29 South Bolton Street. They agreed to relocation of the street by its alteration and the granting of a long term easement to the owner by City Council for landscaping maintenance and access to the driveway area. Also, a change of use for Court Street Extension from the current "highway purposes" to "other municipal uses" should be issued by City Council. **Motion made by Councilor Elder, seconded by the Chair, to approve the Proposed Order of Relocation of Court Street Extension. The motion carried 5-0. Motion made by Councilor Elder, seconded by the Chair, to send to Legal Department to be placed in proper legal form. The motion carried 5-0.**

Reports of Committees cont'd:

Order No. 15-1006366A: Application for Site Plan Review from Attorney Bergeron on behalf of Bolton Granger Realty Trust, George Voyiatzis Trustee, for the Atrium Place project at 21-29 South Bolton Street. The Urban Affairs Committee met with Attorney Arthur Bergeron and Stephen Reid, representing Bolton Granger Realty Trust, for a discussion of their parking requirements and a review of the draft "Site Plan Approval with Conditions." Mr. Reid presented his parking plan which created eighteen on-site spaces fully conforming to the zoning provisions and the applicant would provide payment in lieu of parking to the City for the remaining required twenty-four spaces. The committee then reviewed the changes made to the "Site Plan Approval with Conditions" and approved as amended. **Motion made by Councilor Elder, seconded by Councilor Landers, to approve the site plan permit as amended and also refer to the Building Commissioner for review and to the Legal Department for proper legal form. The motion carried 4-1 (Councilor Tunnera opposed).**

Motion made and seconded to adjourn. The motion carried 5-0. Meeting adjourned at 7:37 PM.

Suspension of the Rules requested-granted

ORDERED: That the Appointment of Eileen Bristol to the position of Tax Collector for a two-year term upon confirmation by the City Council, **APPROVED**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the Communication from Attorney Falk on behalf of Bolton Granger Realty Trust, regarding Proposed Order of Relocation of Court Street Extension, refer to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM AND PLACE ON THE MAY 9, 2016 COUNCIL AGENDA**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the Application for Site Plan Review from Attorney Bergeron on behalf of Bolton Granger Realty Trust, George Voyiatzis Trustee, for the Atrium Place project at 21-29 South Bolton Street, refer to **CITY SOLICITOR TO BE PUT IN PROPER LEGAL FORM AND PLACE ON THE MAY 9, 2016 COUNCIL AGENDA**; adopted.

ORDERED: That the City of Marlborough appropriate the amount of One Million Dollars (\$1,000,000) for the purpose of paying costs of a Feasibility Study/Schematic Design for new construction, or an addition to and renovation, of the Richer Elementary School at 80 Foley Rd, Marlborough, MA 01752, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, the Marlborough City Council approves the transfer of said amount from the Undesignated Fund Account into the Feasibility Study – Richer Account. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$4,896,252.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	19300006	52690	Feasibility Study-Richer	\$0.00	
	Reason:					To fund a feasibility study for the Richer School				
	\$1,000,000.00	Total			\$1,000,000.00	Total				

ORDERED: That the Mayor be requested to send to the City Council a transfer request in the amount of \$75,000.00 to fund the Walker Building Feasibility Study, **APPROVED**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE “CITY CODE”), AS AMENDED, BE FURTHER AMENDED BY AMENDING IN CHAPTER 125, ENTITLED “PERSONNEL,” SECTION 6, ENTITLED “COMPENSATION SCHEDULE,” AS FOLLOWS:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Assistant Building Commissioner	\$70,000.00	\$71,400.00	\$72,828.00	\$74,284.56	\$75,770.25	\$77,285.66	\$78,831.37

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING SECTION 125-6 OF CHAPTER 125, ENTITLED “COMPENSATION SCHEDULE,” SAID AMENDMENT TO BE EFFECTIVE AS OF JULY 1, 2017, AS FOLLOWS:

<u>Stipend Position</u>	<u>Stipend Per Election</u>
Election Wardens	\$250.00
Election Clerks	\$200.00
Election Inspectors/Checkers (per approximate 6-hour shift)	\$ 60.00
Constables at Polls	\$18.75 per hour

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 7, ENTITLED “BUILDING DEPARTMENT,” OF ARTICLE XIV, AS FOLLOWS:

A. Chapter 7 is hereby amended by deleting section 7-76 in its entirety and replacing it with the following:

§ 7-76 Assistant Building Commissioner; Appointment of Local Inspectors.

- A. The Mayor may employ an Assistant Building Commissioner who shall assist in the performance of the duties of the Building Commissioner. At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.
- B. The Mayor shall employ local inspectors, as necessary, to support the mission and duties of the Building Department. Local inspectors shall be under the direction of the Building Commissioner and the Assistant Building Commissioner. Local inspectors shall meet the requirements and qualifications of the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:28 PM.